

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 156 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PANCHMUKHI HANUMAN MADIR TRUST

Versus

SAINATH ENTERPRISE

Appearance:

MR KS NANAVATI for Appellant

MR PM THAKKAR for Respondent No. 1

MR SURESH M SHAH for Respondent No. 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 19/09/97

ORAL JUDGEMENT

Mr. Vimal Patel, learned counsel for the appellant - original defendant states that Special Civil Suit No. 60 of 1987 giving rise to the present appeal has already been withdrawn by respondent no.1 -original plaintiff on June 19, 1997.

2. In view of the above development, the appeal has

become infructuous and is, therefore, required to be disposed of.

3. Since the appeal is being disposed of, the interim relief granted earlier will obviously not survive. It is, however, clarified that if the Charity Commissioner is inclined to take any action on the basis of the report submitted by him to this Court earlier, the disposal of this appeal does not preclude him from initiating or continuing such action.

4. Mr. D.P. Joshi, learned AGP states that he has given a copy of the report of Charity Commissioner to the learned counsel for the appellant.

5. The appeal is accordingly disposed with no order as to costs.

Amp/-